

Gezi Park - acquitted defendants on trial again

PEN Norway monitors the first hearing in the Gezi Park case retrial

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The retrial of 16 defendants in the Gezi Park case took place in Istanbul's 30th High Criminal Court on 21 May, 2021. The judicial panel ruled for the continuing detention of civil society actor and arts foundation head Osman Kavala who has been detained in prison with no charge for 43 months and 3 days. Lead judge Sercan Karagöz dissented, calling for his release and claiming that Kavala did not pose a flight risk.

Kavala's defence was heard via CCTV from Silivri prison. In relation to his continuing imprisonment he said,

"Despite the fact that there is no evidence against me, and despite the fact that I have already been acquitted in the Gezi Park case, and despite the fact that the European Court of Human Rights has found my detention to be a rights' violation, this court still finds it necessary to keep me detained in prison. The allegations in this case keep changing and the judges in this series of cases keep passing the relay baton of my continuing detention to one another, from hand to hand without dropping it once."

Kavala's ongoing detention will be re-assessed by the court on 15 June and again on 12 July.

Gezi Park lawyers: Court may acquit again

Lawyers for the defendants said they rejected the appeal court's decision to overturn their clients' initial acquittals in this case, stressing also that this judicial panel may well rule once more to acquit their clients.

Lawyers pointed out that there was still no concrete evidence in this case and that the decision to acquit their clients, first time around, was based upon the presentation of 'illegal evidence'. They emphasised that the overturning of their clients' acquittals had been a political decision.

Nine of the sixteen defendants were acquitted of all charges on 18 February, 2020. The other seven, who reside abroad, had their arrest warrants extended. Defendant Osman Kavala, who had been in pretrial detention for 840 days was released from prison outside Istanbul, only to be re-arrested and imprisoned immediately afterwards on new charges. The acquittals of these nine defendants were overturned on 22 January, 2021 following an appeal by the Prosecutor for the Republic.

Merging of cases

A number of different cases have been merged in this hearing, including the second case against Kavala and co-defendant Henri Jak Barkey. At today's hearing yet another case was added - that of the Beşiktaş football team supporters' group known as Çarşı. The Çarşı group members, originally accused of supporting the Gezi Park protests, had the acquittals overturned on 28 April, 2021.

PEN Norway Turkey Adviser Caroline Stockford said of the case,

"Not only are the majority of these defendants, now numbering over 50, being tried for the second or third time for the same offence, but there is still no evidence whatsoever of criminal activity on any of their parts. Our legal experts examined both the [Gezi Park indictment](#) and the [second case against Kavala and Barkey](#) and they found that neither indictment met Turkish or international standards."

Speaking of Kavala's detention, she said, "This has become a hostage situation, with Kavala held for no legal reason for over 43 months. We call on the Turkish courts to observe the constitutional and European Convention rights of Kavala and his co-defendants in terms of their right to a fair trial, to liberty and security and to their rights of freedom of expression, assembly and demonstration. It is time for this charade to end."

The date of the next hearing is 6 August, 2021.